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Letter dated 17 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached addendum to the report from Spain submitted pursuant to paragraph 6 of resolution 1373 (2001) (S/2004/523) (see annex). I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrei I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: Spanish]

Letter dated 30 July 2004 from the Permanent Representative of Spain to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the pleasure of transmitting to you information supplementing the fourth report of Spain to the Committee (see enclosure).

(*Signed*) Iñigo de Palacio **España**

Enclosure

[Original: Spanish]

United Nations consultation

Replies provided at the request of the Counter-Terrorism Committee concerning paragraphs 1.6 (d) and 1.6 (e) relating to the implementation and effectiveness of customs, immigration and border controls

1.6 (d) Regarding international flights, does Spain use advanced passenger manifest programs to check the list of inbound passengers against information contained in databases on terrorism, before the passengers land?

Article 66 of the recently enacted Immigration Act (Organic Law 14/2003) stipulates the following with regard to the obligations of carriers:

1. If the Spanish authorities deem it necessary, due to the high volume of migratory traffic on routes originating outside the Schengen space, and in order to combat illegal immigration and to safeguard public security, all companies, transport firms or carriers shall, after the passengers have boarded, and before departure, be obliged to forward to the Spanish authorities monitoring entry information concerning passengers to be transported by air, sea or land, regardless of whether they are in transit or have their final destination in Spanish territory.

The information shall include, in the case of every passenger, first and last name, date of birth, nationality and passport number or number of travel document proving identity.

Carriers are therefore obliged to submit passenger information whenever required to do so by the Spanish authorities. The information must be forwarded after the passengers have boarded, and before flight departure. Once the State security bodies and forces have received the information required, they are responsible for checking the passenger manifest, conducting the necessary investigations, and taking any necessary action.

1.6 (e) Could Spain inform the Counter-Terrorism Committee as to the agency or agencies that are responsible for airport and seaport security?

Article 12 of Organic Law 2/1986 on Security Bodies and Forces provides that State security bodies and forces shall be responsible for "protecting land routes, coasts, borders, seaports, airports, and facilities requiring security due to their significance".

State security bodies and forces are therefore responsible for security at seaports and airports. The Ministry of the Interior is responsible for evaluating terrorist threats on the basis of the information available and, if necessary, for informing authorities at seaports and airports of the level of protection that they must provide at any time.

Are periodic security audits performed at airports and seaports?

European Commission Regulation (EC) No. 2320/2002 establishes common rules in the field of civil aviation security. Article 7 of the Regulation establishes a compliance monitoring mechanism consisting of internal auditing by States

members and the European Commission. The Spanish Civil Aviation Authority has set up an efficient programme under which more than 20 security audits have been performed at various airports. Audits must be repeated within a maximum period of three years. The European Commission has also performed security audits at the airports of Madrid (Barajas) and Barcelona.

Spain's seaports operate tested and approved protection plans designed to prevent any eventuality, including acts of terrorism. The protection plans were drawn up in accordance with the international rules adopted by the International Maritime Organization (IMO), which are set forth in the Amendments to the Annex to the International Convention for the Safety of Life at Sea (SOLAS) and the International Ship and Port Facility Security Code (ISPS Code). The rules were adopted on 12 December 2002 at the Diplomatic Conference of States parties to the 1974 SOLAS Convention, and entered into force on 1 July 2004. The rules are also required by the European Union in accordance with European Commission Regulation (EC) No. 725/2004 of 31 March 2004 (published in the Official Journal of the European Communities on 29 April 2004).

Is access to port facilities controlled?

All protection plans include appropriate measures for controlling access: the identification and checking of passengers, luggage inspection procedures, etc. These control measures can also be adapted according to the importance of the facility and the level of protection required at any moment.

Are airport and seaport personnel screened and provided with identity cards to prevent access by unauthorized personnel to these facilities?

Airports included in the Aena (Spanish Airports and Air Navigation) network use systems for controlling access by airport personnel. Generally speaking, these systems include access readers, closed-circuit television cameras, motion sensors, intrusion alarms, security management software, etc.

All airports use personnel identity cards developed under the National Security Programme. The cards are checked by means of security management software.

Staff and flight crews having access to critical parts of security restricted areas (European Commission Regulation (EC) No. 1138/2004), as well as the items they carry, are screened to prevent the introduction of any prohibited objects into such areas (European Commission Regulation (EC) No. 68/2004). The procedures are the same as those used for passengers (European Commission Regulation (EC) No. 2320/2002).

The system used for personnel at seaports is similar.

Are detection devices in place to screen passengers and cargo for weapons and hazardous materials?

The use of scanners to check persons and luggage is a standard requirement at maritime passenger embarkation and debarkation stations. Scanning systems are therefore being installed and corresponding operational control procedures have been introduced.

In the case of civil aviation, systems for the screening of passengers, staff and crew, as well as carry-on and checked luggage, are being adapted in accordance with European Commission Regulation (EC) No. 2320/2002.

Airports primarily use walk-through and hand-held metal detectors, conventional high-definition X-ray equipment, automatic explosives detectors and computed tomography equipment.

Are hazardous materials segregated and secured during the movement of cargo by air or by sea?

The carriage of hazardous materials is conducted in accordance with precise rules. The most important of these rules are set forth in the European Agreement concerning the International Carriage of Dangerous Goods by Road, the Regulations concerning the International Carriage of Dangerous Goods by Rail, the International Maritime Dangerous Goods Code, the Regulation adopted under Royal Decree No. 145/1989 for the admission, handling and storage of hazardous materials at seaports, European Commission Regulation (EC) No. 2320/2002 establishing common rules in the field of aviation security, etc. These rules specify the conditions for the carriage of hazardous materials, imposing very strict rules regarding the segregation and loading of cargo, etc.

In the area of maritime transport, personal weapons are subject to strict regulatory control by the State security forces. Weapon owners may not travel with their weapons, and must surrender them to the ship's captain, who places them in a secure location and keeps them in custody during the voyage.

Air cargo is classified as either safe or unsafe in accordance with inspections carried out before departure, during the flight, and at the cargo terminal. Cargo classified as unsafe is inspected at the cargo terminal. Classification and inspection procedures are regulated by European Commission Regulation (EC) No. 2320/2002, which also provides that hazardous materials shall be subject to specific and separate treatment during their carriage.